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08/811,648	03/05/1997	DAN KIKINIS	P1523CIP	1380
24739 7590 11/16/2007 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076			EXAMINER JACOBS, LASHONDA T	
			ART UNIT 2157	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

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Technology Center 2100

Application Number: 08/811,648
Filing Date: March 05, 1997
Appellant(s): KIKINIS, DAN

Donald R. Boys
Reg. No. 35,074
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 24, 2007 the Office action mailed April 11, 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5844596	Goodman	12-1998
5764750	Chau et al	6-1998
6317884	Eames et al	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 7-9 and 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman, U.S. Patent No. 5,844,596 in view of Chau et al. (Chau), U.S. Patent No. 5,764,750 and in further view of Eames et al. (Eames), U.S. Patent No. 6,317,884.

3. Regarding **claim 1**, Goodman discloses the invention substantially as claimed. Goodman discloses *a networking system for a home or business site* [see Goodman, Abstract, Col. 3, lines 1-56], *comprising: a bridge adapter unit at the home or business site* [see Goodman, item 400] *having a first connection point for connecting to an external communication network and receiving signals* [see Goodman, Col. 8, lines 9-10]; *and a telephone wiring structure in the site, the wiring structure having multiple end points and one or more junctions* [see Goodman, Col. 8, lines 1-25]. Even though, Goodman does disclose a system that allows for distribution of other signals to a local network of an active telephone line and that the signals that are received are in the form of a local area network protocol. However, Goodman does not explicitly disclose the specifics of a bridge adapter unit receiving public network protocol signals and that the bridge

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adapter unit drives telephone wiring structure according to a local area network (LAN) protocol, translates all received public network protocol signals, regardless of protocol, to the single LAN protocol and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points drive from a single point at the bridge adapter unit.

4. In the same field of endeavor, Chau discloses (e.g., communicating between diverse communications environment). Chau discloses *a bridge adapter unit receiving public network protocol signals and the bridge adapter unit operating the telephone wiring structure according to a local area network (LAN) protocol, translates received public network protocol signals, regardless of protocol, to the single LAN protocol* (Chau teaches a subsystem 11 may be substantially any desired communications arrangement. For example, it may be another telephony subsystem, like subsystem 12. Preferably, however, subsystem 11 is a connections-rich subsystem, such as a data or a multi-media communications subsystem. Subsystem 11 illustratively comprises a switching node 33, for example a local area network (LAN) server, a broadband multi-media switching hub, or an asynchronous transfer mode (ATM) packet switch, that provides data or multi-media communications services to a plurality of endpoints such as user workstations 37-39. Switching node 33 includes a node processor 34 that executes switching-node control programs out of node memory 35 and controls one or more switching fabrics 36 (e.g., LAN, crosspoint switch, etc.) that provide communications connections between workstations 37-39 as well as other endpoints. For purposes of this discussion, the principal function performed by node processor 34 is that of a name-server or router: it converts connection requests (received from workstations 37-39) that are expressed in terms of originating and terminating endpoint names and/or addresses into corresponding connections (with the aid of

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PBX 13, as will be made clear below), [see Chau, Figure 1, item 40, abstract, Col. 1, lines 60-67, Col. 2, lines 1-27]

5. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chau's teachings of communicating between diverse communications environment with the teachings of Goodman, because of the need to solve the problem of telecommunications systems that have different protocols requiring having different capabilities of their endpoints [see Chau, Col. 1, lines 37-45]. Goodman would have been motivated to do so, since he states that the invention further adds to techniques for distribution of signals to a local area network of active telephone wiring [see Goodman, Col. 1, lines 55-67].

6. In the same field of endeavor, Eames discloses (i.e., video, data and telephony gateway). Eames discloses *and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit* [see Eames, Col. 1, lines 48-56].

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Eames' teachings of a video, data and telephony gateway with the teachings of Goodman-Chau, for the purpose of having a centralized unit in the home which can provide video, data, and telephony services, and methods for communicating with the centralized unit from different locations within the home [see Eames, Col. 1, lines 36-46]. By this rationale **claim 1** is rejected.

8. Regarding **claim 2**, Goodman-Chau and Eames further discloses *one or more converters* [see Goodman, item 452] *connected at individual ones of the end points, the one or more*

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converters comprising each an outlet port to connect to a single-media or a multimedia device, the converters converting the LAN signals to a form required by the single-media or multi-media device (Goodman teaches converters that convert signals from voice-band and transmits them through filters to local network where they communicate with the telephone device), [see Goodman, Col. 4, lines 60-67, Col. 5, lines 1-15, Col. 11, lines 65-67, Col. 12, lines 1-8 and Col. 54, lines 56-67]. By this rationale **claim 2** is rejected.

9. Regarding **claim 3**, Goodman-Chau and Eames further discloses *one or more single-media or multi-media devices connected to one or more of the converters* [see Goodman, Figures 1a, items 404a-b, items 419a, 494b-c]. By this rationale **claim 3** is rejected.

10. Regarding **claim 4**, Goodman-Chau and Eames further discloses *wherein the single-media and multi-media electronic devices include one or more of telephones* [see Goodman, item 414a] *personal computers* [see Goodman, item 495c] *fax machines* [see Foley, Col. 5, lines 43-49] *and televisions running through set top boxes* [see Goodman, Figure 15, Col. 9, lines 47-54]. By this rationale **claim 4** is rejected.

11. **Claims 7-9**, list all the same elements of **claims 1-4**, but in method form rather system form. Therefore, the supporting rationale of the rejection to **claims 1-4** applies equally as well to **claims 7-9**.

12. Regarding **claims 14 and 17**, Goodman-Chau and Eames further discloses *wherein individual ones of the converters are internal modules of individual ones of the single-media or multimedia devices* [see Goodman, Col. 15, lines 16-60]. By this rationale **claims 14 and 17** are rejected.

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13. Regarding **claims 15 and 16**, Goodman-Chau and Eames further discloses *wherein individual ones of the converters are integrated into individual ones of the single-media or multi-media devices* [The Examiner takes Official Notice (see MPEP 2144.03)]. By this rationale **claims 15 and 16** are rejected.

(10) Response to Argument

(a) Goodman, Chau or Eames teach or suggest that the telephone wiring structure is connected at a single point to the bridge adapter unit, and the signals are modulated in a manner to correct any signal variations at the end points due to having multiple end points operated from a single point at the bridge adapter unit.

Appellant's argument is not persuasive. It is the position of the Examiner that there does lay support within Goodman-Chau-Eames to reject the claims. Goodman teaches a system that provides communication at points of convergence of wire pairs from separate internal telephone networks that includes a bridge adapter as well as telephone wiring structure for the site (houses, apartments, etc.) [see Goodman, Abstract and col. 3, lines 32-57]. Thus the wiring provides a single conductive path a single ordinary telephone wiring. Chau teaches a system that allows a plurality of user to communicate between a LAN and a telephone switching device [see Chau, Col. 1, lines 60-67, Col. 2, lines 1-27]. Eames also discloses modulating signals [see Eames, Col. 1, lines 48-56]. Therefore, the combination of Goodman-Chau-Eames teach telephone wiring structure is connected at a single point to the bridge adapter unit and the signals are modulated in a manner to correct any signal variation at the end points due to having multiple end points operated from a single point at the bridge adapter unit.

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(b) The Examiner has incorporated hindsight knowledge of applicant's invention in which the motivation for the combination of the art could not have been made [Appeal Brief page 9].

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(c) The appellants invention only require that a single bridge adapter unit be installed at the building site for converting all incoming signals of various protocols to single LAN protocol to be driven over the existing telephone wiring within the building. However, if one were to install the system of Eames in a residential or commercial building, it would also require to install the various different types of cabling and wiring such coaxial cabling or any other type of wiring, other than the existing telephone wiring in the building [Appeal Brief page 9].

In response to applicant's argument that if one were to install the system of Eames in a residential or commercial building, it would also require to install the various different types of cabling and wiring such coaxial cabling or any other type of wiring, other than the existing telephone wiring in the building, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references.

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Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

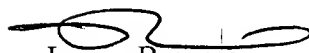
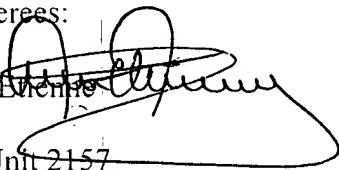
Respectfully submitted,

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